

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

14 Misc. 30

Petitioner,

MEMORANDUM OPINION
AND ORDER

- against -

WALTER V. GERASIMOWICZ, ET AL.,

Respondents.

JOHN G. KOELTL, District Judge:

Respondent Gerasimowicz has moved for leave to proceed *in forma pauperis* on appeal. "The decision of whether to grant a request to proceed *in forma pauperis* is left to the District Court's discretion under 28 U.S.C. § 1915. The Court's discretion is limited in that: An appeal may not be taken *in forma pauperis* if the trial court certifies in writing that it is not taken in good faith." Burda Media Inc. v. Blumenberg, 731 F. Supp. 2d 321, 322-23 (S.D.N.Y. 2010) (citations and internal quotation marks omitted). The "good faith" standard is an objective one, and it is not met when a party seeks review of a frivolous claim. See Coppedge v. United States, 369 U.S. 438, 445 (1962); Linden v. Harper & Row Publishers, 490 F. Supp. 297, 300 (S.D.N.Y. 1980) (applying the objective good faith standard in the civil context). Here, the respondent has failed to demonstrate that his appeal has any merit. Accordingly, the respondent's application to proceed *in forma pauperis* is **denied**,

without prejudice to his ability to seek the same relief from the Court of Appeals. See Coppedge, 369 U.S. at 445. The Clerk is directed to **close Docket No. 21.**

SO ORDERED.

Dated: New York, New York
June 25, 2014

/s/
John G. Koeltl
United States District Judge